

# STATES OF JERSEY



## **DRAFT CRIME (STRANGULATION) (JERSEY) LAW 202- (P.8/2026): CHILDREN'S RIGHTS IMPACT ASSESSMENT**

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**Presented to the States on 13th January 2026  
by the Minister for Justice and Home Affairs**

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**STATES GREFFE**

## CHILDREN'S RIGHTS IMPACT ASSESSMENT (CRIA)

### PART 1: SCREENING

|                                                                            |                                                      |
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| Name and title of Duty Bearer:                                             | Mary Le Hegarat, Minister for Justice & Home Affairs |
| Type of Duty Bearer:<br>(Minister, Elected Member or States Assembly Body) | Minister                                             |
| Assessment completed by (if not completed by duty bearer):                 | Assistant Policy Officer                             |
| Date:                                                                      | 03/12/2025                                           |

1) Name and brief description of the proposed decision

The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the '**decision**'

- What is the problem or issue the decision is trying to address?
- Do children experience this problem differently from adults?

The purpose of the proposed Crime (Strangulation) (Jersey) Law is to create a new offence, with a penalty of imprisonment for a maximum term of 10 years or a fine, for someone intentionally strangling another person. There will be defence of consent where the victim did not suffer serious harm, or where the victim did suffer serious harm, but the perpetrator can establish that this was not intentional or inflicted recklessly.

The purpose of this Law is to ensure that the offence captures these behaviours separate to existing customary offences of assault, in order to lower the threshold for prosecution and raise the penalty. This is intended to act as a deterrent, as well as to recognise the uniquely harmful effects of strangulation.

This Law is a result of a recommendation from the Violence Against Women & Girls (VAWG) Taskforce Report, which is as follows:

*Recommendation 25; Non-fatal strangulation should be named as a standalone offence*

This recommendation was accepted by the Chief Minister in March 2024.

Furthermore, other recommendations are also seeking to address related issues, such as a non-fatal strangulation medical pathway, and online training for health practitioners in recognising the signs and symptoms of non-fatal strangulation.

2) Which groups of children and young people are likely to be affected?

Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children

All children and young people could potentially be affected by this decision.

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| <p>3) What is the likely impact of the proposed decision on children and on their rights?</p> <ul style="list-style-type: none"> <li>Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC</li> <li>Will different groups of children be affected differently by this decision?</li> </ul>                                                                                                                                                                                         |
| <p>This proposed Law will positively impact children and young people by highlighting the uniquely harmful effects of strangulation, which is becoming a more common sexual behaviour amongst young people.</p> <p>However, the intention of the legislation is not that young people who engage in this behaviour will be criminalised, especially considering the hurdle of passing the public interest test for such a prosecution. Overall, it is considered that young people are more likely to be protected by this legislation than prosecuted under it.</p> |
| <p>4) Is a full Children's Rights Impact Assessment required?</p> <p>If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion</p>                                                                                                                                                                                                                                                          |
| <p>Yes, because children will be affected, mostly positively, by this Law amendment.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

If screening determines that a full CRIA is needed, complete Part 2

## Part 2: FULL CHILDREN'S RIGHTS IMPACT ASSESSMENT

| <p>5) What will be the impacts (positive or negative) of the proposed decision on children's rights?</p> <p>For each of the UNCRC articles described below, click to identify any that may be relevant <input checked="" type="checkbox"/></p> |                                                                             |                                     |                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| Category                                                                                                                                                                                                                                       | UNCRC Article                                                               | Impact?<br>YES NO                   |                                     |
| Guiding Principles                                                                                                                                                                                                                             | Non-discrimination ( <a href="#">Art 2</a> )                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                                | Best interests of the Child ( <a href="#">Art 3</a> ) to be a top priority  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                                                                                                                                                | Right to Life survival and development ( <a href="#">Art 6</a> )            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                                                                                                                                                | Respect for the child's views ( <a href="#">Art 12</a> )                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Civil Rights & Freedoms                                                                                                                                                                                                                        | Right to birth registration, name and nationality ( <a href="#">Art 7</a> ) | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                                | Right to an identity ( <a href="#">Art 8</a> )                              | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                                                                                                                                                                                                                | Freedom of expression ( <a href="#">Art 13</a> )                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
|                                                                                                                                                                                                                                                | Freedom of thought, conscience, and religion ( <a href="#">Art 14</a> )     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

|                                         |                                                                                                                                                                                                                                                                                                                            |                                     |                                     |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
|                                         | Every child has the right to think and believe what they choose                                                                                                                                                                                                                                                            |                                     |                                     |
|                                         | Freedom of association ( <a href="#">Art 15</a> )<br>Every child has the right to meet with other children and to join groups and organisations                                                                                                                                                                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Right to Privacy ( <a href="#">Art 16</a> ) including family and home life                                                                                                                                                                                                                                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Access to information from the media ( <a href="#">Art 17</a> )<br>Right to access reliable information from a variety of sources, in a format that children can understand                                                                                                                                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Protection against torture or other cruel, degrading or inhumane treatment or punishment ( <a href="#">Art 37(a)</a> )                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Family Environment and Alternative Care | Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up ( <a href="#">Art 5</a> )                                                                                                                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Responsibilities of both parents in the upbringing and development of their child ( <a href="#">Art 18</a> )                                                                                                                                                                                                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Children must not be separated from their parents against their will unless it is in their best interests ( <a href="#">Art 9</a> )                                                                                                                                                                                        | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Family reunification ( <a href="#">Art 10</a> )                                                                                                                                                                                                                                                                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Abduction and non-return of children abroad ( <a href="#">Art 11</a> )                                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Right to a standard of living that is good enough to meet the child's physical and social needs and support their development ( <a href="#">Art 27</a> )                                                                                                                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Special protection for children unable to live with their family ( <a href="#">Art 20</a> )                                                                                                                                                                                                                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Best interests of the child in the context of Adoption ( <a href="#">Art 21</a> )                                                                                                                                                                                                                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Review of treatment whilst in care ( <a href="#">Art 25</a> )<br>If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Protection from violence, abuse or neglect ( <a href="#">Art 19</a> )                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Basic Health and Welfare                | Recovery from trauma and reintegration ( <a href="#">Art 39</a> )<br>Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.                                                  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Rights of disabled children ( <a href="#">Art 23</a> )                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                         | Right to health and health services ( <a href="#">Art 24</a> )                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

|                                                     |                                                                                                                                                                                                                                                                                   |                                     |                                     |
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|                                                     | Right to social security ( <a href="#">Art 26</a> )                                                                                                                                                                                                                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | Right to adequate standard of living ( <a href="#">Art 27</a> )                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Education,<br>Leisure and<br>Cultural<br>Activities | Right to education ( <a href="#">Art 28</a> )                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | Goals of education ( <a href="#">Art 29</a> )<br>Education must develop every child's personality,<br>talents and abilities to the full                                                                                                                                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | Leisure, play and culture ( <a href="#">Art 31</a> )<br>Every child has the right to relax, play and take part in<br>cultural and artistic activities                                                                                                                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Special<br>Protection<br>Measures                   | Special protection for refugee children ( <a href="#">Art 22</a> )                                                                                                                                                                                                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | Children and armed conflict ( <a href="#">Art 38</a> and <a href="#">Optional Protocol #1</a> )<br>Governments must do everything they can to protect and<br>care for children affected by war and armed conflict.                                                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | Children and juvenile justice ( <a href="#">Art 40</a> )<br>Right to be treated with dignity and respect, right to<br>legal assistance and a fair trial that takes account of age.                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
|                                                     | Inhumane treatment and detention ( <a href="#">Art 37 (b)-(d)</a> )<br>Children should be arrested, detained or imprisoned<br>only as a last resort and for the shortest time possible.                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
|                                                     | Recovery from trauma and reintegration ( <a href="#">Art 39</a> )<br>Children who have experienced neglect, abuse,<br>exploitation, torture or who are victims of war must<br>receive special support to help them recover their health,<br>dignity, self-respect and social life | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | Child labour and right to be protected from economic<br>exploitation ( <a href="#">Art 32</a> )                                                                                                                                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | Drug abuse ( <a href="#">Art 33</a> )                                                                                                                                                                                                                                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | Sexual exploitation ( <a href="#">Art 34</a> )                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
|                                                     | Abduction, sale and trafficking of children ( <a href="#">Art 35</a> )                                                                                                                                                                                                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | Protection from other forms of exploitation including for<br>political activities, by the media or for medical research<br>( <a href="#">Art 36</a> )                                                                                                                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | Children belonging to a minority or an indigenous<br>group ( <a href="#">Art 30</a> )                                                                                                                                                                                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | <a href="#">Optional Protocol</a> on the sale of children, child<br>prostitution and child pornography                                                                                                                                                                            | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
|                                                     | <a href="#">Optional protocol</a> on the involvement of children in<br>armed conflict                                                                                                                                                                                             | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

| 6) Information and research<br>What evidence has been used to inform your assessment? |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| Evidence collected<br>(include links to relevant publications)                        | What did the evidence tell you?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | What are the data gaps, if any?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| VAWG Taskforce Report 2023                                                            | <p>Non-fatal strangulation as a common aspect of domestic abuse has gained attention from researchers and legislators in recent years around the English-speaking world. This is now recognised as a common coercive controlling behaviour.</p> <p>The Report notes that there are between 1 to 4 cases of non-fatal strangulation per month in Jersey. This is based on data from the Forensic Medical Examiners, though overall prevalence is difficult to gauge without data from the criminal justice system.</p> <p>Furthermore, 99% of respondents to the VAWG Taskforce's general public survey agreed that non-fatal strangulation without consent should be a crime.</p> | <p>There is a lack of data on strangulation within the criminal justice system, including SoJP, LOD, and, to a lesser extent, amongst the specialist victim support services. This should be remedied partly by the introduction of this Law, which will allow for SoJP to directly pull reporting, charging, and conviction data without having to rely on case management notes.</p> <p>Some data has been gathered from Jersey Domestic Abuse Support (JDAS) and Dewberry House SARC from 2023 and 2024. This data, though not entirely reliable, indicates a rough total of 100 cases per year.</p> |

| 7) Engagement with children<br>What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision? |                                                                                                                            |                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Groups consulted                                                                                                                                                                                                                      | How they were involved                                                                                                     | What were the findings?                                                                                            |
| <p>VAWG Taskforce, which includes:</p> <ul style="list-style-type: none"> <li>- JDAS</li> <li>- SARC</li> </ul>                                                                                                                       | These services have been shared the legislative drafting instructions and draft law, alongside presentations to facilitate | Though a number of the services included within the VAWG Taskforce do not exclusively work with children, many are |

|                                                                                                                                                                                                                                             |                                               |                                                                                                                                                                                                                                                                                                                            |
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| <ul style="list-style-type: none"> <li>- Freeda</li> <li>- Children's Commission</li> <li>- Jersey Youth Service</li> <li>- Caritas Jersey</li> <li>- Health Safeguarding</li> <li>- JCG, Victoria College, Le Landes, St Mary's</li> </ul> | discussion of the Law's intention and impact. | <p>involved in cases and have a client base which includes children.</p> <p>These discussions have largely been positive in their feedback, though a number of service heads have questioned the extent of the Law's positive impact due to a lack of focus on improving the education of this topic amongst children.</p> |
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| 8) Assessing Impact on children's rights<br>Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children's rights identified in question 5)? |                                                                                                                                                                                                  |                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| Relevant UNCRC Articles (rights) identified in Q5                                                                                                                                                                  | Describe the positive or negative impacts on these rights                                                                                                                                        | Which group(s) of children are likely to be affected? |
| Protection from violence, abuse or neglect (Art 19);                                                                                                                                                               | The proposed Law would help to protect children from the physical and mental violence of strangulation.                                                                                          | All children                                          |
| Protection from torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a);                                                                                                                  | This article is relevant to the proposed Law, since its enforcement would, as a matter of course in the event, involve a child's detention.                                                      |                                                       |
| Right to health and health services (Art 24);                                                                                                                                                                      | This article is relevant due to the associated health pathway being setup to support the medical evidencing of non-fatal strangulation, as well as in the lower threshold for medical attention. |                                                       |
| Sexual exploitation (Art 34);                                                                                                                                                                                      | The proposed Law would help in the prevention of the sexual exploitation of children, in terms of a deterrent, when                                                                              |                                                       |

|                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                        |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Inhumane treatment and detention (Art 37 (b)-(d);                                                                                                                                                                                                                                                                                                  | committed in the context of domestic or sexual abuse.                                                                                                                                                                                                                                                                                                                                  |  |
| Right to Life survival and development (Art 6);                                                                                                                                                                                                                                                                                                    | This article is relevant in regard to the potential negative impact, were on the rare occasion a child to be detained on account of this offence.                                                                                                                                                                                                                                      |  |
| Freedom of expression (Art 13);                                                                                                                                                                                                                                                                                                                    | <p>This article is relevant in consideration for the severe harms, psychological and long-term health risks, of strangulation.</p> <p>This article is relevant in regard to the freedom of expression to commit sexual acts involving strangulation at the age of consent with a mutual partner. This is covered by the proposed Law's provisions concerning a defence of consent.</p> |  |
| <p>9) Weighing positive and negative impacts</p> <ul style="list-style-type: none"> <li>• If a negative impact is identified for any area of rights <u>or</u> any group of children and young people, what options are there to modify the proposed decision to mitigate the impact?</li> <li>• Could any positive impacts be enhanced?</li> </ul> |                                                                                                                                                                                                                                                                                                                                                                                        |  |
| <p>In total, this proposed Law is considered to have a positive impact on children and young people by highlighting the uniquely harmful effects of strangulation, which is becoming a more common sexual behaviour amongst young people within recent years.</p>                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                        |  |

10) Conclusions

In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?

Although, it is not in this Law's intention to criminalise young people who commit or engage in this behaviour, when considering passing the 'public interest' test for such a prosecution. Overall, it is considered that young people are more likely to be protected by this legislation than prosecuted under it or harmed by it.